

STATE HOUSING APPEALS BOARD

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Minutes of the February 28, 2006 Board Meeting

The February 28, 2006 meeting of the State Housing Appeals Board (“SHAB” or “Board”) was called to order at 2:05 pm at the Middletown Town Hall by Mary Shekarchi, Esq. Chair. Board members in attendance at the outset of the meeting were Mary Shekarchi, Esq., Chair, Donald Goodrich and M. Theresa Santos. The municipal alternate Board member Dr. Isadore Ramos was also in attendance, sitting in for Ms. Cynthia Fagan who was unavailable that day. Also present were Steven Richard, Esq. legal counsel to the Board, Katherine Maxwell and Christine DaRocha administrative staff to the SHAB. Mr. William White and Mr. Charles Maynard were not in attendance. Ms. Shekarchi declared a quorum.

Approval of Minutes of January 24, 2006 Meeting

Ms. Santos made a motion to approve the minutes of the January 24, 2006 meeting which Mr. Goodrich seconded. The minutes were approved unanimously.

Women's Development Corporation vs. the Town of Richmond Local Review Board (SHAB Appeal 2005-05)

Hearing on Motion to Intervene filed by Cynthia Gifford, Esq.

Ms. Santos moved to open the hearing on the motion. The Chair seconded and opened discussions. Mr. Richard noted that SHAB regulations provide a process allowing parties to request intervention into its proceedings.

Mr. Richard read into the record a letter received from Attorney Michael Cozzolino, Town Solicitor for the Town of Richmond, notifying the Board that the Town of Richmond had no objection to Attorney Gifford's Motion to Intervene. Mr. Richard then summarized the past practice of the SHAB regarding motions to intervene.

Mr. Ostiguy entered the hearing room at 2:16 and joined the Board.

Ms. Gifford described her representation of herself as an abutting property owner and other neighbors in the Local Review Board (the Richmond Planning Board) process. Mr.

Goodrich asked Ms. Gifford whether the Town would be able to protect adequately the interests of the neighbors without her intervention in the SHAB proceedings. Ms. Gifford indicated that the neighbors she represented had a very high level of interest in the case and considered the SHAB appeal to be a continuation of the ongoing case.

The Chair inquired whether Ms. Gifford was representing herself as an intervenor or if she were continuing to represent a group of her neighbors. Ms. Gifford indicated the Motion to Intervene had been filed on behalf of herself only. On further questioning by the Chair, Ms. Gifford clarified that she owned one property directly abutting the parcel and three others within a 200 foot radius. Mr. Richard inquired whether the SHAB would be required to examine any new evidence apart from the record from the local review board proceedings and whether Ms. Gifford had any disputes with the Local Review Board's compromise decision. On questioning by Mr. Goodrich, Ms. Gifford stated that the Planning Board did have sufficient record of evidence to make its findings and conclusions.

Counsel for Women's Development Corporation, Mr. Robert Berkelhammer, argued that there was no evidence in the record that would support the conclusion that the abutters were prejudiced by action in this case and grounds to allow intervention in this appeal had, in his opinion, not been met. Mr. Berkelhammer further indicated

that the position of his clients is that the Local Review Board decision was in fact a denial.

Discussion ensued concerning abutters' participation in the local hearings. Ms. Gifford contended that the SHAB rules did not place a burden on abutters to present expert testimony during the Local Review Board process.

After deliberation by the Board, Mr. Ostiguy made a motion that the SHAB allow the intervention by Cynthia Gifford made on behalf of herself as an abutter to the property and that any arguments or presentations should be reflective only of the record below. Dr. Ramos seconded. Ms. Shekarchi, Ms. Santos, Mr. Ostiguy and Dr. Ramos voted in the affirmative. Mr. Goodrich voted no. Motion passed.

Update by SHAB's Legal Counsel

Mr. Richard provided an update on recent matters that had been before the Board. Following up on SHAB's 1/24/06 motions concerning Block Island Housing, Mr. Richard indicated that he had sent letters to all counsel indicating that SHAB has entered their dismissed stipulation. Mr. Richard then summarized recent oral arguments made at Supreme Court on SHAB matters and concluded by outlining scheduling matters for the next appeal.

Meeting adjourned at 3:40 PM

Respectfully submitted,

Mary Shekarchi, Esq., Chair